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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,222	12/28/2001	Richard S. Chernock	YOR920010442US1	9082

7590 11/26/2007  
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EXAMINER
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HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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11/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/034,222

Applicant(s)

CHERNOCK ET AL.

Examiner

Farzana E. Hossain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 11, 12, 17-20, 28, 31, 32, 34, 41, 46 and 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 12, 17-20, 28, 31, 32, 34, 41, 46 and 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to communications filed 04/30/2007. Claims 1-7, 11, 12, 17-20, 28, 31, 32, 34, 41, 46 and 48 are pending.

The status of claims as filed on 12/29/2006: Claims 1, 34, 41, 46 and 48 are amended. Claims 2, 3, 5, 6, 11, 12 and 18-20 are original. Claims 4, 7, 17, 28, 31, and 32 are previously presented. Claims 8-10, 13-16, 21-27, 29-30, 35-40, 42-45, 47 and 49 are cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-7, 11, 12, 17-20, 28, 31, 32, 34, 41, 46 and 48 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Claims 46 and 48, the applicant argues that Claims 46 and 48 are patentable for the similar subject matter of Claim 1.

In response to the arguments, the rejection of Claims 46 and 48 were made under Tomsen in view of Noll not Gerba in view of Noll. Tomsen discloses wherein the at least one central system controller further adds interactive advertising content to non interactive advertising content by at least one local

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merchant offer (Page 2, paragraph 0022), wherein the at least one central system controller routes request data to the at least one local merchant using at least one advertisement identifier (Page 2, paragraph 0022). See new rejection for claims 46 and 48.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 12, 17, 28, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba et al (US 5,931,908 and hereafter referred to as "Gerba") in view of Noll et al (US 2005/0132295 and hereafter referred to as "Noll") and Bruckner et al (US 2005/0015796 and hereafter referred to as "Bruckner").

Regarding Claim 1, Gerba discloses an apparatus (Figure 1, 2) for controlling interactive television offerings over a transaction-enabled (Column 1, lines 34-43, Column 9, lines 11-27) broadcast network (Figure 1, 30, 32), the apparatus comprising:

at least one central system processor (Figure 1, 12) of a multi service operator (MSO) (Column 5, lines 5-8) operative to: (i) receive broadcast content

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or programming from a content source or remote location (Figure 1, 4); (ii) process the broadcast content (Figure 1, 12, Column 7, lines 11-65); (iii) transmit the processed broadcast content over the network (Figure 1, 22) to a viewer or set top box (STB) (Figure 2, 34); (iv) receive request data or upstream communications over the network from the viewer (Figure 1, 24, Column 9, lines 11-27); and (v) process the request data, wherein the central system processor of a MSO is further operative as a central point of control for the request data (Figure 1, 12, Column 9, lines 11-27) or interactive content contained within the broadcast content (Figure 1, 12, Column 9, lines 11-27); and

memory (Figure 1, 14, 16, 18, 20), operatively coupled to the processor central system processor of a MSO (Figure 1, 12, Column 5, lines 5-8), for storing at least a portion of data related to least one of the receiving, transmitting and processing steps such as the received program is processed with received synchronization data, interface data and overlay sets which are stored in the memory (Figures 1, 2, 3a: 215, Column 9, lines 51-55) or storing the processed program (Figure 1, 20) or storing transaction data in the databases (Figure 1, 26). Gerba is silent on the central system processor collects information about viewer transactions for commerce purposes and the central system processor is further operative to add interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer; wherein the at least one central system processor is further operative to outré the request data to the at least one local merchant using at least one advertisement identifier.

In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). In analogous art, Bruckner discloses the central system processor or the broadcast station necessarily includes a processor as it performs all necessary functions to perform the process of adding interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer or local advertiser (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079); wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier (Page 5, paragraph 0050-0051, 0054-0058, Page 6, paragraph 0063).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1,

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paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the central system processor is further operative to add interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079); wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier (Page 5, paragraph 0050-0051, 0054-0058, Page 6, paragraph 0063) as taught by Bruckner in order to manage interactive content that may or may not be known in advance (Page 2, paragraph 0013) and to be able to sell advertising space to the highest bidder (Page 8, paragraph 0078) and as disclosed by Bruckner.

Regarding Claim 34, Gerba discloses a retrofittable system for conducting e-commerce (Column 1, lines 34-43, Column 11, lines 7-19) over a transaction-enabled broadcast network (Figure 1, 2, 32), the system comprising: a broadcast receiving device (Figure 2, 34) operatively coupled to the network (Figure 1, 36) and configurable to enable a viewer to interact with an interactive broadcast (Figure 1, 48, 40, Column 9, lines 11-27); and a local MSO operatively coupled to the network (Column 5, lines 5-15), the network operator comprising a central system or headend controller or processing unit (Figure 1, 12), the controller operatively configurable to selectively modify or enable the interactive content

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(Column 7, lines 11-65). Gerba is silent on the central system controller is capable of collecting information about viewer transactions for commerce purposes and the central system processor is further operative to add interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer; wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier. In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local controller collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). In analogous art, Bruckner discloses the central system controller or the broadcast station necessarily includes a processor as it performs all necessary functions to perform the process of adding interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer or local advertiser (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079); wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier (Page 5, paragraph 0050-0051, 0054-0058, Page 6, paragraph 0063).



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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local controller collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the central system processor is further operative to add interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067, 0079); wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier (Page 5, paragraph 0050-0051, 0054-0058, Page 6, paragraph 0063) as taught by Bruckner in order to manage interactive content that may or may not be known in advance (Page 2, paragraph 0013) and to be able to sell advertising space to the highest bidder (Page 8, paragraph 0078) and as disclosed by Bruckner.

Regarding Claim 2, Gerba, Noll and Bruckner disclose all the limitations of Claim 1. Noll discloses the broadcast content from a source comprises advertising content (Page 3, paragraph 0048).

Regarding Claim 3, Gerba, Noll and Bruckner disclose all the limitations of Claim 1. Gerba discloses broadcast content from broadcast source comprises program content (Column 6, lines 62-67).

Regarding Claim 4, Gerba, Noll and Bruckner disclose all the limitations of Claim 1. Gerba discloses central system processor of a MSO is further operative to add interactive content to the broadcast content (Figure 1, 12, 14, 16, 18, Column 9, lines 11-15).

Regarding Claim 5, Gerba, Noll and Bruckner disclose all the limitations of Claim 4. Bruckner discloses that interactive content is advertising content (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067, 0079).

Regarding Claim 12, Gerba, Noll and Bruckner discloses all the limitations of Claim 1. Noll discloses broadcast content from broadcast content source comprises interactive content (Page 3, paragraph 0047, Page 5, paragraphs 0067-0068).

Regarding Claim 17, Gerba, Noll and Bruckner disclose all the limitations of Claim 1. Gerba discloses the request data comprises a World Wide Web site and the central system processor of a MSO is further operative to redirect the website (Column 9, lines 7-15) via the internet server (Figure 1, 28). Bruckner discloses a World Wide Web site comprising a universal resource locator (URL) (Page 5, paragraph 0050-0051, 0058).

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Regarding Claim 28, Gerba, Noll and Bruckner disclose all the limitations of Claim 1. Noll disclose the central system processor or components which perform processing of the NOC which includes an operator is further operative to associate a personal identification number (PIN) or user identification number (Page 9, paragraphs 0098-0099, Pages 5-6, paragraphs 0070, 0071, Page 11, paragraph 0112).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll, Bruckner as applied to claim 5 above, and further in view of Barton (US 2005/0273828).

Regarding Claim 6, Gerba, Noll and Bruckner disclose all the limitations of Claim 5. Bruckner discloses commercials with interactive content (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067, 0079). Gerba, Noll and Bruckner are silent on end of group of commercials. Barton discloses a pod of commercials or a commercial break (Figure 5). Barton discloses that important content of the commercial are placed at the end of the group of commercials (Page 3, paragraph 0037) such as images or messages (Pages 2-3, paragraphs 0036-0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include that important content can be added to the end of a group of commercials (Pages 2-3, paragraphs 0036-0037) as taught by Barton in order to have viewers watch more commercials (Page 1, paragraphs 0002, 0003) as disclosed by Barton.

6. Claims 7 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Bruckner as applied to claim 1 above, and further in view of Dakss et al (US 6,944,228 and hereafter referred to as "Dakss").

Regarding Claim 7, Gerba, Noll and Bruckner disclose all the limitations of Claim 1. Gerba disclose a central system processor of a MSO (Figure 1, 12, Column 5, lines 5-8). Gerba, Noll and Bruckner are silent on collecting and storing previously broadcast content. Dakss discloses that headend collects or retrieves data and writes or stores data that has been viewed from a previously broadcast content such as marketing data indicating which objects have been viewed or order information (Column 5, lines 44-67). Dakss discloses that the headend has a MSO (Column 4, lines 33-35). It is necessarily included the headend to have a central system processor as the headend is performing the process of collecting and storing. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include that the headend collects or retrieves data and writes or stores data that has been viewed from a previously broadcast content such as marketing data indicating which objects have been viewed or order information (Column 5, lines 44-67) as taught by Dakss in order to allow viewers to interact with material that appear on television display (Column 1, lines 28-39) as disclosed by Dakss.

Regarding Claim 32, Gerba, Noll and Bruckner disclose all the limitations of Claim 1. Gerba, Noll and Bruckner are silent on ship to address of the viewer. Dakss discloses a broadcast content source or authoring tool (Figure 1, 24), which a designer at the authoring tool annotates a video broadcast with objects in a television program (Column 4, lines 43-60). The annotations or interactive content can allow viewers to perform transactions such as requesting services or buying a shirt (Column 8, lines 47-67, Column 9, lines 1-10). Dakss discloses the user can set up an account with a broadcaster including a home address or delivery information (Column 10, lines 10-13). Dakss discloses that the headend has a MSO (Column 4, lines 33-35). The broadcaster or headend would necessarily include a central system processor, which can process data for transactions and to store the address as the information is accessed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include broadcaster storing a home address or delivery information (Column 10, lines 10-13) as taught by Dakss in order to allow viewers to interact with material that appear on television display (Column 1, lines 28-39) as disclosed by Dakss and to allow a convenient way to shop.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Bruckner as applied to claim 4 above, and further in view of Kay et al (US 6,711,552 and hereafter referred to as "Kay").

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Regarding Claim 11, Gerba, Noll and Bruckner all the limitations of Claim 4. Bruckner discloses interactive content comprises a form to buy a car (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067, 0079). Gerba, Noll and Bruckner are silent on the added interactive content specifies local purchasing information. Kay discloses a commerce trans point (CTP) with a head end server and commerce application server (CAS) which supplies programming to TV users and can select products for purchase based on programs or channels being watched (Column 3, lines 57-67, Column 4, lines 1-2). Kay discloses that added interactive content including local purchasing information or price of product and tax (Figure 5c). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include that added interactive content specifies local purchasing information (Figure 5c) as taught by Kay in order to obtain product information that relate to programming (Column 2, lines 48-63) as disclosed by Kay.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Bruckner as applied to claim 17 above, and further in view of Kenner et al (US 6,421,726 and hereafter referred to as "Kenner").

Regarding Claim 18, Gerba, Noll and Bruckner all the limitations of Claim 17. Gerba discloses the request data comprises a World Wide Web site and the central system processor of a MSO is further operative to redirect the website (Column 9, lines 7-15) via the internet server (Figure 1, 28). Bruckner discloses

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a World Wide Web site comprising a universal resource locator (URL) (Page 5, paragraph 0050-0051, 0058). Gerba, Noll and Bruckner are silent on reducing network congestion. Kenner discloses that the request data comprises a URL (Column 18, lines 48-65, Abstract). Kenner discloses a user is requesting web content from sites located in and around the Internet (Column 5, lines 63-65, Column 8, lines 19-43). Kenner discloses that each individual user is routed to a delivery site that provides improved performance, which reduces network congestion (Column 6, lines 12-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include reducing network congestion (Column 6, lines 12-19) as taught by Kenner in order to improve the delivery of web content and link to further content and route to content quickly (Column 3, lines 38-65, Column 4, lines 15-22) as disclosed by Kenner.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerba in view of Noll and Bruckner as applied to claim 17 above, and further in view of Tomsen (US 2002/0016965).

Regarding Claim 19, Gerba, Noll and Bruckner disclose all the limitations of Claim 17. Gerba discloses a controller or processor is operative to route request data from the viewer in response to interactive broadcast to the Internet (Figure 1, 28). Gerba, Noll and Bruckner are silent on routing to server for fulfillment. Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108,

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134); the method comprising: a broadcast receiving device (Figure 1, 152, Figure 2, 152) interacting with broadcast content to a provider receiving request data or transaction data over the network from a viewer (Page 3, paragraph 0026, Page 4, paragraph 0035), the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035). The head-end processes all content to be broadcast and broadcasting (Page 2, paragraphs 0016, 0022, Page 4, paragraphs 0023-0025) and processes all requests and routing of requests (Page 3, paragraph 0026), which is maintained by the provider or cable system operator, which meets the limitations of creating broadcast content for broadcast over the network at a at least one central system processor, broadcasting broadcast content from the at least one central system processor receiving request data at a at least one central system processor; routing request data from the at least one central system processor (Page 3, paragraphs 0023-0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035) via the network (Figure 1, 134, Figure 2, 134) as taught by Tomsen in order to allow a user to shop while watching television without the potential of losing interest (Page 1, paragraphs 0003-0004) as disclosed by Tomsen.



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10. Claims 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable Gerba in view of Noll and Bruckner as applied to claim 1 above, and further in view of Daly et al (US 5,878,141 and hereafter referred to as "Daly").

Regarding Claim 20, Gerba, Noll and Bruckner disclose all the limitations of Claim 1. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba discloses a transaction database (Figure 1, 26). Noll discloses that the data based on commerce conducted by the viewer over the network is collected (Page 9, paragraphs 0098, 0099, Page 10, paragraphs 0107, 0109). Gerba, Noll and Bruckner are silent on the data stored is based on commerce conducted by the viewer over the network. Daly discloses a broadcast receiving device (Figure 3, 46(1-m) operatively coupled to the network (Figure 3, 52, 54) and configurable to enable a viewer to interact with the broadcast (Figure 6, 208). Daly discloses a local network operator (Column 14, lines 23-25) operatively coupled to the network (Figure 4, 65, 42), comprising a controller (Figure 1, 74, Column 10, lines 60-63), the controller or purchasing is connected to a subscriber subsystem which includes data about the subscriber including financial information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a subscriber subsystem which includes data about the subscriber including financial information (Figures 4-7) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) as disclosed by Daly.

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Regarding Claim 31, Gerba, Noll and Bruckner discloses all the limitations of Claim 1. Gerba discloses purchasing items based on programming (Column 1, lines 21-44). Gerba, Noll and Bruckner silent on securely storing credit card information of the viewer. Daly discloses a broadcast receiving device (Figure 3, 46(1-m) operatively coupled to the network (Figure 3, 52, 54) and configurable to enable a viewer to interact with the broadcast (Figure 6, 208). Daly disclosed storing credit card system at the head server via the billing system and accounting system (Column 14, lines 4-10). Daly discloses that purchasing system or central system processor of a MSO (Figure 4, 74) for a secure communications of the purchase transaction needs a digital signature or certify authority or MSO (Column 14, lines 11-25) to perform transactions so that fraudulent transactions do not occur (Column 16, lines 33-45), which reads on securely storing the credit card account information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include credit card information is securely stored (Column 14, liners 4-25, Column 16, lines 33-45) as taught by Daly in order to allow a consumer to electronically pay for goods and services (Column 2, lines 40-42, 53-55) and to prevent fraudulent transactions (Column 15, lines 37-39) as disclosed by Daly.

11. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carver et al (US 2004/0015986 and hereafter referred to as "Carver") in view of Noll and Bruckner.

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Regarding Claim 41, Carver discloses a method of conducting e-commerce (Page 2, paragraph 0043, Pages 6-7, paragraph 0086, Pages 8-9, paragraph 0109) over a transaction-enabled broadcast network (Figure 1, 18, Figure 2, Figure 15); the method comprising: creating an advertisement comprising non interactive content or the origin of the content or advertisement is at the source system (Figure 1, 12, Page 3, paragraph 0050), the advertisement being broadcast over the network (Figure 1, 18, Figure 15) at an at least one central system controller including importers and the Interactive Advertising Service (IAS) (Figure 15, 30, Figure 3, 30, 50 and Figure 15, 60), which processes content (Page 3, paragraph 0051) of a MSO (Page 3, paragraph 0051, Page 4, paragraph 0055); and creating interactive content or creating additional data at the source system (Page 2, paragraph 0042, Page 3, paragraph 0050, Figure 1, 12); the interactive/additional content being selectively integrate with the non interactive content or the IAS enhances the advertisement or non interactive content (Page 7, paragraphs 0097, 0098, Pages 8-9, paragraph 0105, 109) according to a predetermined schedule or a specific time or placement schedules (Page 8, paragraph 0100) at the at least one central system controller, which processes content (Page 3, paragraph 0051) of a MSO (Page 3, paragraph 0051, Page 4, paragraph 0055); wherein the enhancing or integration is conducted selectively or based on user information (Page 8, paragraphs 0101, 0103, 0106, 0107) or advertiser agreement (Page 8, paragraph 0100, 0107). Carver is silent on the central system controller is collects information about viewer transactions for commerce purposes and the

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central system processor is further operative to add interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer; wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier. In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). In analogous art, Bruckner discloses the central system processor or the broadcast station necessarily includes a processor as it performs all necessary functions to perform the process of adding interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer or local advertiser (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079); wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier (Page 5, paragraph 0050-0051, 0054-0058, Page 6, paragraph 0063).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions

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for commerce purposes (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the central system processor is further operative to add interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079); wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier (Page 5, paragraph 0050-0051, 0054-0058, Page 6, paragraph 0063) as taught by Bruckner in order to manage interactive content that may or may not be known in advance (Page 2, paragraph 0013) and to be able to sell advertising space to the highest bidder (Page 8, paragraph 0078) and as disclosed by Bruckner.

12. Claims 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen (US 2002/0016965) in view of Noll and Bruckner.

Regarding Claim 46, Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134,

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Figure 2, 200, 108, 134); the method comprising: creating broadcast content or programming transmitted to subscribers (Page 2, paragraph 0016) comprising conventional content such as the television program and interactive advertising content (Page 2, paragraph 0022) broadcast over the network (Page 2, paragraph 0022) at a cable provider or MSO (Page 3, paragraphs 0023-0025); and selectively broadcasting the interactive content by way of a head-end according to a pre-specified agreement or a participating merchant list or agreement which the head-end can provide product supplemental information or interactive content to the viewer (Page 3, paragraph 0023), wherein the at least one central system controller further adds interactive advertising content to non interactive advertising content by at least one local merchant offer (Page 2, paragraph 0022), wherein the at least one central system controller routes request data to the at least one local merchant using at least one advertisement identifier (Page 2, paragraph 0022). The head-end processes all content to be broadcast (Page 2, paragraphs 0016, 0022, Page 4, paragraphs 0023-0025) and also has a block list filter to filter content (Page 3, paragraph 0023), which is maintained by the provider or cable system operator, which meets the limitations of creating broadcast content for broadcast over the network at a at least one central system controller and selectively broadcasting interactive content by way of a central system controller from at least one central system processor of a multi service operator (Page 3, paragraphs 0023-0025). Tomsen is silent on the central system controller is capable of collecting information about viewer transactions for commerce purposes and does not explicitly disclose that the one

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central system controller a period of time defined by the at least one local merchant offer adds interactive content to non interactive advertising content.

In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). In analogous art, Bruckner discloses the central system processor or the broadcast station necessarily includes a processor as it performs all necessary functions to perform the process of adding interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer or local advertiser (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079); wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier (Page 5, paragraph 0050-0051, 0054-0058, Page 6, paragraph 0063).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph

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0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a period of time defined by at least one local merchant offer (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079) as taught by Bruckner in order to manage interactive content that may or may not be known in advance (Page 2, paragraph 0013) and to be able to sell advertising space to the highest bidder (Page 8, paragraph 0078) and as disclosed by Bruckner.

Regarding Claim 48, Tomsen discloses a method of conducting e-commerce over a transaction-enabled broadcast network (Figure 1, 100, 134, Figure 2, 200, 108, 134); the method comprising: creating broadcast content or programming transmitted to subscribers (Page 2, paragraph 0016) comprising conventional or advertising without interactive content (non participating merchants) (Page 3, paragraph 0023) and interactive advertising content (Page 2, paragraph 0022) at a cable provider or MSO (Page 3, paragraphs 0023-0025); wherein the at least one central system controller further adds interactive advertising content to non interactive advertising content by at least one local merchant offer (Page 2, paragraph 0022), broadcasting the broadcast content over the network (Page 2, paragraph 0022) from the at least one cable provider or MSO (Page 3, paragraphs 0023-0025); and receiving request data or



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transaction data over the network from a viewer (Page 3, paragraph 0026, Page 4, paragraph 0035) at the cable provider or MSO (Page 3, paragraph 0026), the request data being transmitted by the viewer in response to the broadcast content; and routing the request data to a local server for fulfillment (Page 4, paragraph 0035) from the at least one cable provider or MSO (Page 3, paragraphs 0026), wherein the at least one central system controller routes request data to the at least one local merchant using at least one advertisement identifier (Page 2, paragraph 0022). The head-end processes all content to be broadcast and broadcasting (Page 2, paragraphs 0016, 0022, Page 4, paragraphs 0023-0025) and processes all requests and routing of requests (Page 3, paragraph 0026), which is maintained by the provider or cable system operator, which meets the limitations of creating broadcast content for broadcast over the network at a at least one central system processor, broadcasting broadcast content from the at least one central system processor receiving request data at a at least one central system processor, routing request data from the at least one central system processor (Page 3, paragraphs 0023-0026). Tomsen is silent on collecting information about the transaction for commerce purposes. In analogous art, Noll discloses an apparatus for controlling interactive television offerings over a transaction enabled broadcast or system operator with a central system or network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes as the NOC processes the information (Page 3, paragraphs 0046-0048, Figure 17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph

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0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36). In analogous art, Bruckner discloses the central system processor or the broadcast station necessarily includes a processor as it performs all necessary functions to perform the process of adding interactive advertising content to non interactive advertising content for a period of time defined by at least one local merchant offer or local advertiser (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079); wherein the at least one central system processor is further operative to route the request data to the at least one local merchant using at least one advertisement identifier (Page 5, paragraph 0050-0051, 0054-0058, Page 6, paragraph 0063).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gerba to include network operations center (NOC) or local processor collects information about viewer transactions for commerce purposes (Page 3, paragraphs 0046-0048, Figure17, Page 9, paragraph 0098, 0099, Page 10, paragraph 0106, 0107, Page 11, paragraph 0117, Page 5-6, paragraphs 0066, 0070, Figure 2a, 36) as taught by Noll for the benefit of targeting advertising and e-commerce material to the user (Page 1, paragraphs 0008, 0002) and for determining account balances and transactional information (Page 9, paragraph 0099) as disclosed by Noll. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a period of time defined by at least one local merchant offer (Page 5, paragraph 0049-0052, 0058, Pages 6-7, paragraphs 0063, 0067 0079) as taught by Bruckner in order to manage

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interactive content that may or may not be known in advance (Page 2, paragraph 0013) and to be able to sell advertising space to the highest bidder (Page 8, paragraph 0078) and as disclosed by Bruckner.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH

November 14, 2007

  
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